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10/706,537	11/12/2003	Sidlgata V. Sreenivasan	P110/MII-76-58-03	6885
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MOLECULAR IMPRINTS			EXAMINER	
PO BOX 81536			STEVENSON, ANDRE C	
AUSTIN, TX 78708-1536				
			ART UNIT	PAPER NUMBER
			2812	
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			06/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,537

Applicant(s)

SREENIVASAN ET AL.

Examiner

Andre' C. Stevenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-45 is/are pending in the application.
- 4a) Of the above claim(s) 40-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Response to Amendment

Newly submitted claims #40 through 45 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original examined claims (claims#30-39) are drawn to a method of creating a pattern on a body which does not need for it's practice, a nano-imprinted template nor does it need for it's practice nano-dimensional features.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims #40 through 45 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims #30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al. (U.S. Pub. No.2004/0219732 A1, Pub. Date 11/04/04, Filed 10/30/03).

Burns substantially shows the claimed invention, as shown in figures 1-38 and corresponding text, in an apparatus and manufacturing method, **pertaining to claim #30**, a method of creating a pattern on a body, said method comprising: arranging a liquid to be between a template and said body; orientating said template proximate to said liquid (**page #6, paragraph 0047**); and applying an electrical field between said template and said body move a portion of said liquid to avoid to spread said liquid over said body to form a film, while preventing discontinuities in said film (**page #8, paragraph 0104-0106; page #9, paragraph 0109; page #10, paragraph 0113**).

Pertaining to claim #31, Burns shows a method wherein applying further includes applying an electric field of sufficient magnitude to overcome capillary forces of said liquid between said template and said body. (**page #6, paragraph 0047**).

Pertaining to claim #32, Dcan shows a method further including providing said template with an electrically conductive layer that is transparent to radiation that causes said liquid material to polymerize and cross-link and, with applying said electric field further including applying a voltage to said conductive layer (**page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13, paragraph 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211**).

Pertaining to claim #33, Dean shows a method further including forming said template from fused-silica and including an electrically conductive layer that is transparent to radiation that causes said liquid material to polymerize and cross-link and, with applying said electric field further including applying a voltage to said conductive layer (**page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13, paragraph 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211; page #15, paragraph 0201**).

Pertaining to claim #34, Dean shows a method wherein said radiation includes ultra-violet light (**page #13, paragraph 0192**).

Pertaining to claim #35, Dean shows a method wherein providing further includes providing said template with a said electrically conductive layer that is contiguous in a region in superimposition with said liquid (**figure #2, items 100, 200, 300 and 400; page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13, paragraph 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211; page #15, paragraph 0201**).

Pertaining to claim #36, Dean shows a method wherein providing further includes providing said template with a plurality of spaced apart electrically conductive layers in a region in superimposition with said liquid. (**figure #2, items 100, 200, 300 and 400; page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13,**

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paragraph 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211; page #15, paragraph 0201).

Pertaining to claim #37, Dcan shows a method wherein providing further includes providing said template with a plurality of spaced apart electrically conductive layers in a region in superimposition with said liquid and consecutively applying a voltage to a subset of said plurality of spaced-apart electrically conductive layers (**figure #2, items 100, 200, 300 and 400; page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13, paragraph 0189 and 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211; page #15, paragraph 0201**).

Pertaining to claim #38, Dcan shows a method wherein providing further includes providing said template with a plurality of spaced apart electrically conductive layers and concurrently applying a common voltage level to a subset of said plurality of electrically conductive layers (**figure #2, items 100, 200, 300 and 400; page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13, paragraph 0189 and 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211; page #15, paragraph 0201**).

Pertaining to claim #39, Dcan shows, a method wherein providing further includes providing said template with a said electrically conductive layer that is contiguous in a region in superimposition with said liquid (**figure #2, items 100, 200, 300 and 400; page #8, paragraph 0105; page #9, paragraph 0108 and 0110; page #10, paragraph 0114; page #13, paragraph**

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0189 and 0191-0192; page #14, paragraph 0199; page #16, paragraph 0211; page #15, paragraph 0201).

Response to Arguments

Applicant's arguments filed February 26, 2007 have been fully considered but they are not persuasive. The Examiner takes the position that Burns teaches a transparent template, as can be seen from the previous rejection. To further clarify the Examiner's position, the Applicant is referred to page #9, paragraph 0105-0109. Also, the Examiner refers the Applicant to page #6, paragraph 0047, where Burns clearly states that an "Electroheological fluid shall be defined as suspensions of extremely fine particles (up to 50 microns) in non-conducting fluids. The apparent viscosity of these fluids changes reversibly in response to an electric field". The Examiner takes the position that the definition of polymerization requires that the material to transition through a bonding stage without the loss of other materials. The Examiner takes the position that this is exactly what happens when a sharp transition from liquid to solid occurs (Burns, page #10, paragraph 0114). For the above reasons, the Examiner takes the position that the rejection is proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' Stevenson whose telephone number is (571) 272 1683. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt, can be reached on (571) 272 1873. The fax phone number for the organization where this application or proceeding is assigned is (703) 308 7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956. Also, the proceeding numbers can be used to fax information through the Right Fax system;

(703) 872-9306

Andre' Stevenson

05/30/07


MICHAEL LEBENTRITT
SUPERVISORY PATENT EXAMINER